



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/764,835	01/26/2004	Julien T. Nguyen	139.1006.03	6888

22883 7590 01/25/2006  
SWERNOFSKY LAW GROUP PC  
P.O. BOX 390013  
MOUNTAIN VIEW, CA 94039-0013

EXAMINER

DEBROW, JAMES J

ART UNIT PAPER NUMBER

2176

DATE MAILED: 01/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>		<b>Applicant(s)</b>	
	10/764,835		NGUYEN, JULIEN T.	
	<b>Examiner</b>		<b>Art Unit</b>	
	James J. Debrow		2176	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 26 January 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 61-78 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 61-78 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>9/27/2004</u> .   | 6) <input type="checkbox"/> Other: _____                                    |

### **DETAILED ACTION**

1. This action is responsive to communications: Application filed on 26 Jan 2004
2. Claims 61-78 are pending in the case. Claims 61, and 70 are independent claims.

**Claim Rejections - 35 USC § 102**

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. **Claims 61 - 78 are rejected under 35 U.S.C. 102(b) as being anticipated by Kurlander et al. ("Comic Chat"; Published: 1996).**

**In regards to independent claims 61, and 70,** Kurlander et al. discloses a system called Comic Chat, which represents online communication in the form of comics. Comic Chat has an object-oriented structure, and includes classes for comic pages, panels, balloons, characters, character poses, and backgrounds (Implementation, paragraph 7, lines 3-5). The system allows groups of people to communicate over the Internet. People within the chat rooms can communicate with one another not only by typing text, but also by changing the gestures or facial expression of a comic character (*multimedia object*), which serves as their graphical representation (Introduction, lines 9-11). To make the chat room more lively and fun, Comic Chat can adjust the background or scene (*theme*) elements to reflect the topic of conversation (Introduction, paragraph 6, lines 11-12). As a second approach, instead of changing the entire background (*theme*), a new element is added to an existing background (6.3 Semantic elements, paragraph 2, lines 13-14; Fig 6b). The participants of the chat room select their own characters from a pre-supplied list (*mnemonic name*).

Art Unit: 2176

Most of the characters (*multimedia object*) in Comic Chat has a set of heads that can fit on a set of bodies; hence their expressions can be independent of their gestures (*associating an ensemble with said multimedia object*). However, Comic Chat picks default gestures and expressions, which the user is free to override (*editable properties*) (Characters, 4.1, lines 2-6). Kurlander et al. further discloses, that when a participant types in a dialogue for his or her character, Comic Chat uses this dialogue to determine a default gesture and expression (Characters, 4.1, lines 8-9). The participants can see the system-selected expression and gesture for their character as they enter the text (*mnemonic name detected in set of sequences of key strokes, replacing said mnemonic name with said multimedia object*) (Characters 4.1, paragraph 6, lines 6-7). If the participants would prefer to override the system-selected expression and gesture, they can do so with a user interface emotion wheel (*ensemble having a set of ensemble editable properties*) (Characters 4.1, paragraph 6, lines 7-9). Via the emotion wheel, the emotion type and intensity are controlled with a single mouse movement (mouse action) (Characters 4.1, paragraph 7, lines 7-8). Kurlander et al. also discloses, as in real life, emotions can turn into actions, so it makes sense to add actions to the wheel as well. Actions that do not correspond to emotions, such as waving and pointing, are not accessible from the wheel. Instead the user can invoke them by mousing on the target character in any panel, and then choosing the action from a pop-up menu (Characters 4.1, paragraph 9, lines 1-2; paragraph 10, lines 1-3).

**In regards to dependent claims 62, and 71,** Kurlander et al. discloses that most of the characters (*multimedia object*) in Comic Chat has a set of heads (*alternate multimedia object*) that can fit on a set of bodies; hence their expressions can be independent of their gestures (Characters, 4.1, lines 1-2).

**In regards to dependent claims 63, and 72,** Kurlander et al. discloses, to make the chat room more lively and fun, Comic Chat can adjust the background or scene (*theme*) elements to reflect the topic of conversation (Introduction, paragraph 6, lines 11-12). As a second approach, instead of changing the entire background (*theme*), a new element is added to an existing background (6.3 Semantic elements, paragraph 2, lines 13-14; Fig 6b).

**In regards to dependent claims 66, and 75,** Kurlander et al. discloses, the system allows groups of people to communicate over the Internet. People within the *chat rooms* can communicate with one another not only by typing text, but also by changing the gestures or facial expression of a comic character (*multimedia object*), which serves as their graphical representation (Introduction, lines 9-11). If the participants would prefer to override the system-selected expression and gesture, they can do so with a user interface emotion wheel (*ensemble having a set of ensemble properties*) (Characters 4.1, paragraph 6, lines 7-9).

**In regards to dependent claims 67, and 76,** Kurlander et al. discloses, when a receiving client has the same character art used by the sender, it can simply consult the bitmap indices to render the exact pose chosen by the sender. However, if the receiver does not have the same character art, the symbolic gesture and expression information is applied to a different character that does reside on the system to yield a pose with the same intent (*overriding ensemble properties*) (Implementation, paragraph 2).

**In regards to dependent claims 68, and 77,** claims contain substantially similar subject matter as in claims 67, and 76, and therefore are rejected according to the same rationale.

**In regards to dependent claims 69, and 78,** Kurlander et al. discloses, via the emotion wheel, the emotion type and intensity are controlled with a single mouse movement (mouse action) (Characters 4.1, paragraph 7, lines 7-8). Kurlander et al. also discloses, as in real life, emotions can turn into actions, so it makes sense to add actions to the wheel as well. Actions that do not correspond to emotions, such as waving and pointing, are not accessible from the wheel. Instead the user can invoke them by mousing on the target character in any panel, and then choosing the action from a pop-up menu (Characters 4.1, paragraph 9, lines 1-2; paragraph 10, lines 1-3). It would be inherent that if a user were to choose an action from a pop-up menu, the user would have time to review the action the multimedia object before selecting it.

**In regards to dependent claims 64, 65, 73, and 74,** Kurlander et al. discloses Comic Chat runs on both the Microsoft Windows 95 and Windows NT operating system (Implementation, paragraph 1, lines 1-2). It has been establish that the Microsoft operating system has the capability of using editing *abbreviations* for editing documents. These abbreviations are *short sequences of keystrokes* to perform specific actions on selected text/image within the document, i.e. "Ctrl c" to copy, "Ctrl x" to cut, "Ctrl b" to make bold, etc. Kurlander et al. further discloses that many comic artists emphasize certain words in their balloons by setting them to bold type (Implementation, paragraph 1, lines 1-2; Conclusion, paragraph 6, lines 7-8). Therefore, the Examiner uses the broadest interpretation of the claims to include, but not limited to, the *abbreviations* previously mention which are typically supplied by the Microsoft operating system.



***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James J. Debrow whose telephone number is 571-272-5768. The examiner can normally be reached on 8:00-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Herndon can be reached on 571-272-4136. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

James J. Debrow  
Examiner  
Art Unit 2176

  
HEATHER R. HERNDON  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100